

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

In re:)	Chapter 7
)	
SCP OPERATIONS, LLC,)	Case No. 23-17436
)	(Kane County)
Debtor.)	
)	Honorable Janet S. Baer
)	
)	Hearing Date: January 26, 2024
)	Hearing Time: 11:00 a.m.

NOTICE OF MOTION

TO: See attached list

PLEASE TAKE NOTICE that on Friday, the 26th day of January, 2024, at 11:00 a.m., I will appear before the Honorable Janet S. Baer, or any judge sitting in that judge's place, **either** in courtroom 615 of the Dirksen United States Courthouse, 219 S. Dearborn Street, Chicago, Illinois, **or** electronically as described below, and present the SECOND MOTION OF DEBTOR TO EXTEND TIME TO FILE SCHEDULES AND STATEMENT OF FINANCIAL AFFAIRS, a copy of which is attached.

Important: Only parties and their counsel may appear for presentment of the motion electronically using Zoom for Government. All others must appear in person.

To appear by Zoom using the internet, go to this link: <https://www.zoomgov.com/>. Then enter the meeting ID and passcode.

To appear by Zoom using a telephone, call Zoom for Government at 1-669-254-5252 or 1-646-828-7666. Then enter the meeting ID and passcode.

Meeting ID and passcode. The meeting ID for this hearing is 160 731 2971, and the passcode is 587656. The meeting ID and passcode can also be found on the judge's page on the court's web site.

If you object to this motion and want it called on the presentment date above, you must file a Notice of Objection no later than two (2) business days before that date. If a Notice of Objection is timely filed, the motion will be called on the presentment date. If no Notice of Objection is timely filed, the court may grant the motion in advance without calling it.

Respectfully Submitted:

SCP OPERATIONS, LLC

By: /s/ Tevin D. Bowens
One of its attorneys

ADAM P. SILVERMAN, ESQ. (ARDC #6301515)
ALEXANDER F. BROUGHAM, ESQ. (ARDC #6301515)
TEVIN D. BOWENS, ESQ. (ARDC #6338559)
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Chicago, Illinois 60604
Tel (312) 435-1050
Fax (312) 435-1059
Counsel for the Debtor

CERTIFICATE OF SERVICE

I certify that I served a copy of this notice and the attached motion on each entity shown on the attached list at the address shown and by the method indicated on the list on January 19, 2024, at or before 11:59 p.m.

By: /s/ Tevin D. Bowens
Tevin D. Bowens, Esq.

SERVICE LIST

Via CM/ECF on January 19, 2024

- Patrick S Layng, Office of the U.S. Trustee for Region 11
- Gina B. Krol, Chapter 7 Trustee
- Timothy W. Brink, Counsel for Associated Bank, National Association
- Kevin R. Purtill, Counsel for Associated Bank, National Association

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**SECOND MOTION OF DEBTOR TO EXTEND TIME TO
FILE SCHEDULES AND STATEMENT OF FINANCIAL AFFAIRS**

NOW COMES SCP Operations, LLC, debtor herein (the “**Debtor**”), by and through its undersigned counsel, and, pursuant to Rule 1007 of the Federal Rules of Bankruptcy Procedure (the “**Bankruptcy Rules**”), hereby moves (the “**Motion**”) for a 6-day extension of the deadline to file its Schedules and Statement (as defined below). In support of the Motion, the Debtor respectfully states as follows:

I. BACKGROUND

1. On December 29, 2023, the Debtor filed a voluntary petition for relief under Chapter 7 of the United States Bankruptcy Code, 11 U.S.C. §§ 101 *et seq.* (the “**Code**”). On the same day, two of the Debtor’s affiliates (together with the Debtor, the “**Affiliated Debtors**”) filed Chapter 7 bankruptcy cases, which are also pending before this Court as *In re SCP Holdings, LLC* (Case No. 23-17434) and *In re SCP Merchandising, LLC* (Case No. 23-17423).

2. The Affiliated Debtors’ bankruptcy cases are of a magnitude and complexity uncommon among business Chapter 7 filings in the Northern District of Illinois. Collectively, the creditor matrices filed in the Affiliated Debtors’ bankruptcy cases contain over 31,000 creditor addresses.

3. Gina B. Krol, Esq. (the “**Trustee**”) has been appointed as the Chapter 7 trustee of the Affiliated Debtors. Counsel for the Affiliated Debtors has remained in contact with the Trustee, and she agreed to the relief requested herein.

4. The meeting of creditors pursuant to section 341 of the Code (the “**341 Meeting**”) is currently scheduled for February 8, 2024.

5. The Debtor previously moved for an extension of the deadline to file its Schedules and Statement, with the assent of the Trustee. The motion was granted, extending the deadline to January 26, 2024. ECF No. 20.

6. The Court has jurisdiction over this Motion pursuant to 28 U.S.C. § 1334. Venue lies properly in this Court pursuant to 28 U.S.C. §§ 1408 and 1409. This matter is a core proceeding pursuant to 28 U.S.C. § 157(b)(2). The predicate for the relief requested herein is Bankruptcy Rule 1007.

II. RELIEF REQUESTED

7. By this Motion, the Debtor seeks an additional extension of the deadline to file its Schedules and Statement to and including February 1, 2024.

8. Under section 521 of the Code and Bankruptcy Rule 1007, a debtor is required, within fourteen days after its petition date, to file certain documents with the Court, including (a) schedules of assets and liabilities; (b) a schedule of current income and expenditures; (c) a schedule of executory contracts and unexpired leases; and (d) a statement of financial affairs (collectively, the “**Schedules and Statement**”). *See* 11 U.S.C. § 521(a); Fed R. Bankr. P. 1007(b). Accordingly, the Debtor’s Schedules and Statement are currently due by January 26, 2024.

9. Bankruptcy Rule 1007(c), however, permits the Court to extend the deadline to file its Schedules and Statement “on motion for cause shown and on notice to the United States trustee,

any committee elected under § 705 or appointed under § 1102 of the Code, trustee, examiner, or other party as the court may direct.” Fed. R. Bankr. P. 1007(c).

10. While the Debtor has endeavored to meet the January 26th deadline to file its Schedules and Statement, events have conspired to make doing so unrealistic. In particular, the Debtor’s chief financial officer and his family have been ill for an extended period of time, significantly impeding progress on the Debtor’s draft Schedules and Statement. The chief financial officer is one of the few remaining employees of the Debtor, and his active participation is essential to ensure the Schedules and Statement contain sufficient detail, accuracy, and thoroughness to discharge the Debtor’s obligations in the preparation and filing thereof.

11. Particularly because the proposed extended deadline for filing the Schedules and Statement is an entire week prior to the 341 Meeting, the Debtor submits that granting the Motion will not delay the administration of its estate or prejudice any creditor or party in interest.

III. NOTICE

12. Notice of the filing of this Motion and the hearing scheduled therefor has been served via the Court’s CM/ECF system to: (a) the Office of the United States Trustee for Region 11; (b) the Trustee; (c) counsel for the Debtor’s senior secured lender, Associated Bank, National Association; and (d) all other parties who have requested notice and service of pleadings via the Court’s CM/ECF system in the Debtor’s bankruptcy case. In light of the relief requested, the Debtor submits that no other or further notice is required.

WHEREFORE, SCP Operations, LLC, debtor herein, respectfully requests the entry of an order in accordance with the foregoing recommendations in the form filed herewith and made a part hereof without further notice, and such other and further relief as is just.

Respectfully Submitted,

SCP OPERATIONS, LLC

By: /s/ Tevin D. Bowens
One of its attorneys

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